

Meeting of 1999-5-25 Regular Meeting

MINUTES
LAWTON CITY COUNCIL REGULAR MEETING
MAY 25, 1999 - 6:00 P.M.
WAYNE GILLEY CITY HALL COUNCIL CHAMBER

Mayor Cecil E. Powell, Also Present:
Presiding Bill Baker, City Manager
John Vincent, City Attorney
Brenda Smith, City Clerk
Lt. Col. Jeff Ewing, Fort Sill Liaison

The meeting was called to order at 6:20 p.m. by Mayor Powell. Notice of meeting and agenda were posted on the City Hall notice board as required by State Law.

ROLL CALL

PRESENT: G. Wayne Smith, Ward One
Richard Williams, Ward Two
Glenn Devine, Ward Three
John Purcell, Ward Four
Robert Shanklin, Ward Five
Charles Beller, Ward Six
Stanley Haywood, Ward Seven
Randy Warren, Ward Eight

ABSENT: None.

PRESENTATION FROM FORT SILL LIAISON OFFICER ON LAKE ELMER THOMAS RECREATION AREA

Lt. Col. Ewing gave a slide presentation of the facilities available at the Lake Elmer Thomas Recreation Area, as well as other recreational activities planned at Fort Sill. The general public is able to take advantage of these programs and facilities; the \$5.3 million facility at LETRA was constructed with non-appropriated funds.

Mayor Powell said a proclamation would be signed declaring June 5th as Generation Innovation Day at LETRA and encouraging family togetherness. Williams pointed out that admission on that afternoon would be at no charge and food would be provided.

PRESENTATION OF ANNUAL REPORT FROM MUSEUM OF THE GREAT PLAINS BY RICHARD WELCH, DIRECTOR. (Report inserted separately)

Richard Welch, Museum Director, said this is the first annual report from the Museum since its operation under the public trust authority. His report highlighted the following: asbestos abatement should be completed in 30 days; accreditation application will be submitted and hopefully approved; visitation and rental of facilities at the Museum is increasing, as well as memberships. He expressed appreciation for grant funding from the McMahon Foundation and reviewed new exhibits planned for display, to include an original 1901 Oklahoma Lottery Map. Publicity of events and displays is being planned, and a strategic planning committee is looking to the future to help the Museum achieve its goals. Williams said he serves as chairman of the trust authority and that he was appreciative of the support that has been given by the City and the Museum staff.

CONSIDER APPROVAL OF MINUTES OF LAWTON CITY COUNCIL SPECIAL MEETINGS OF MAY 10 AND 18, AND REGULAR MEETING OF MAY 11, 1999

MOVED by Haywood. SECOND by Warren, for approval of the Minutes. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

AUDIENCE PARTICIPATION:

Doug Wells, Information Services Director, presented a \$20 check to the Mayor for deposit into the City's general fund. He read a letter from a man in Amarillo, Texas, who had sent the check to the City's dispatchers in appreciation for the excellent service they had provided. Wells commended the efforts of dispatch and pointed out

the community service they provide.

BUSINESS ITEMS:

1. Consider the concept of a City Planning Commission as authorized by Title 11 of the Oklahoma Statutes and direct staff to place on the Lawton Metropolitan Area Planning Commission (LMAPC) agenda for consideration. Exhibits: Jurisdiction Map of LMAPC.

Bob Bigham, City Planner, said Oklahoma Statutes offer a variety of types of planning commissions, with the two being most appropriate for Lawton. The current commission is provided in Title 19, which is a metropolitan area planning commission; the other under consideration here is a municipal planning commission provided in Title 11. The LMAPC is a joint planning commission with four members appointed by the City and four members by the County Commissioners; the Mayor and the Chairman of the County Commissioners are voting, ex-officio members. Jurisdiction includes zoning, land use plan issues, and subdivision regulations, for the area within the City of Lawton and within the three miles around Lawton, as well as a quarter mile each side of a state or federal highway and a half mile around the City lakes. A Title 11 planning commission would be appointed from within the City of Lawton and only deal with City of Lawton issues on zoning, land use plan, subdivisions and plats.

Bigham said the current planning commission has been in place since the 1960's and it appeared to be the most appropriate form of planning commission at that time. The County Commissioners have the same authority for zoning and subdivision control as cities do; Comanche County has not elected to enforce the regulations that Lawton has elected to enforce and this causes some down side to development in those areas as far as public support of those subdivisions. Bigham said staff is recommending that if Council wants to look into this concept, to refer it back to the current planning commission for review and a report from them within 30 days, and then Council would make a decision on which planning commission to operate under.

Purcell said he requested the item and had been talking about rezoning issues since his Council term began. He said one problem concerns the land use plan, and right now the only way the Council can consider a new land use plan for Lawton is if there are six affirmative votes from LMAPC to send it to Council, which is a Title 19 provision. Purcell said if the commission operates under Title 11, that will not be the case and Council will have the responsibility to make some of those decisions.

MOVED by Purcell, SECOND by Smith, to approve the concept of a city planning commission, direct staff to place it on the LMAPC agenda for consideration, and return the item for Council consideration within 30 days.

Beller asked if Council is required to ask LMAPC for a decision and Bigham said it is not a requirement. Beller asked if the LMAPC would be dissolved and the City would no longer participate in it, and asked why Council could not make this decision rather than the LMAPC. Purcell said it is a courtesy to the LMAPC because they have been doing this for many years and their input is needed.

Mayor Powell asked that the motion be restated and Purcell restated it as shown above. Purcell said if it is not returned in 30 days, Council could go ahead and consider it.

Beller asked if the Mayor and Chairman of the County Commissioners were made aware that their vote may have made a difference recently on an issue with a relatively close vote when the City Attorney ruled things would be a certain way. Vincent said he did not know what notice of meeting was provided. Bigham said agenda packets are provided to the Mayor and County Commissioners. Beller asked Mayor Powell if he knew he was a voting member of the LMAPC. Powell asked not to be put on the spot and said he does receive notice of the meetings, and if he did not know, it was probably his own fault.

Beller said there was a surprise legal ruling one afternoon that items would no longer be forwarded to the City Council, and that was one of the things that precipitated this; Council had no opportunity to review this particular rezoning issue, which was not the case in the past because if items were denied, they came to Council for consideration anyway. He said Council should have jurisdiction within the City limits and should have heard that case in his opinion. Beller said the members of the LMAPC were just as astounded as the members in the audience with the legal opinion that was rendered.

Mayor Powell asked what the down side of this could be if it is approved. Vincent said the only down side he was aware of had to do with the metropolitan planning organization and possible funding from the Federal Transportation Authority, and that is whether the Governor will recognize another body other than the Lawton Metropolitan Area Planning Commission as the MPO (Metropolitan Planning Organization) for Comanche County. Beller said this group does not cover the entire county, but only a certain distance beyond the City limits. Vincent said the LMAPC, as defined right now by the Governor's staff for MPO purposes, is recognized as the planning organization for Comanche County.

Bigham said the current planning commission acts under Title 19 authority, and they have been appointed as the

metropolitan planning organization by the Governor as the agency that handles all of the transportation planning funds for the planning effort in transportation. He said funds coming from the federal government, are funneled through the State Department of Transportation, through the MPO which is the LMAPC and it is then reimbursed to the City for staffing for transportation planning. Bigham said that issue will need to be looked at carefully if there is a transition.

Purcell said on the down side, if we have a local planning commission, we can go to the Governor and ask him to designate the local commission for Lawton to be the MPO for federal transportation funds, and if the Governor agrees, then the federal and state funds could go through the newly created commission, if that happens. He said if the Governor says no, the funds for transportation will still go to the LMAPC, and that group could disagree on using the money but he did not think that would happen, although that could be a down side and it is a valid question. Mayor Powell said he knew it was a down side because he had talked about this and there is a down side to it and we should look at everything before we do this, but the item tonight is acceptable.

VOTE ON MOTION: AYE: Warren, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: Smith. MOTION CARRIED.

2. Consider adopting an ordinance repealing Article 1 of Chapter 19A, Stormwater Detention, of the Lawton City Code, 1995. Exhibits: Memorandum from Joe Warner to Nick Richards; Letter from Nick Richards to Mayor Cecil E. Powell; Ordinance No. 99-26.

Dan Tucker, Code Administration Director, said the Mayor's Task Force on Codes, Policies and Procedures met and recommended bringing to the Council the recommendation that the stormwater detention requirements in Chapter 19A of the City Code be eliminated, and at some future date, to restudy or bring back another ordinance.

Devine said he had received a lot of calls about this and that he was a member of the task force. He said he had tried to look at both sides of the issue. Devine said he thought if the people on the task force could work together, they could stream line the ordinance and not totally delete it. He suggested leaving the existing ordinance in effect for 90 days to give the group time to work it over and get rid of some of the bad points and bring it back to Council within 90 days to see what can be worked out. Devine said we will not gain ground by totally deleting the law, and he understood there would be a lot of controversy on this, but that he would make a motion to this effect at the appropriate time.

Council agreed to receive public input.

Robert McCaffree, 719 Heinzwood Circle, said when we hear about stormwater flooding problems being considered, there are a lot of people, including his neighbors, that are concerned. He said he did not know the details of this particular study but knew what he read in the newspaper two weeks ago when an article was published, and then a letter to the editor, and a headline article in yesterday's paper. McCaffree said there are three concerns as a result of the newspaper items. He said the first concern is the membership of the Mayor's Code Task Force Committee, 2/3rds are people in the building, real estate, architect and engineer fields, and the other 1/3rd are members of the Council, those being Beller, Shanklin, Devine and Smith, which levels the playing field quite a bit. McCaffree said a second concern is in selling this to the public. He said a spokesman for the committee has said the only thing the stormwater detention ordinance has done so far is reduce the insurance premiums for flooding by \$2 a month for 836 people, and that kind of minimizes the purpose of the whole thing. The purpose is not to reduce insurance premiums but the goal was to prevent flooding or reduce flooding. A point to sell it stronger, quoting from the paper "the City of Lawton is known by businessmen, corporations, developers and builders to be the toughest city in the sunbelt to get a project permitted". He said he thought of the sunbelt as being Southern California, Arizona, New Mexico, Texas and maybe Southwest Oklahoma, but that is a huge area for Lawton to be the toughest city to get a proposed project done, and surely that is over selling or maybe the spokesman meant the sunbelt as being a smaller area. McCaffree asked for careful consideration when dealing with repeal of this ordinance and said he particularly liked Devine's comments previously.

Burl Boyce said he was not present to talk about Meadowbrook. He said this is a move to get rid of some of the protection for the City of Lawton that has been in place and was voted on by the City Council. Boyce said we have special interest groups in the majority on all the stormwater committees and subcommittees. He said when it rains upstream from anyone, the water runs down hill, and detention and retention ponds help control the flow of water so it will not converge on a place all at once, and suggested that city engineers should be asked for a recommendation. Boyce said developers are allowed to use Lawton's city streets for 100% of stormwater drainage, and that causes a flood in homes if there is a 3" rain in one hour. He said city lawyers have warned that the City could have some liability for damages in a lawsuit. Research has shown that the five biggest cities in Oklahoma, excluding Lawton, have many more restrictions on builders than Lawton; more restrictions, not less.

Boyce said he talked to Richard Timms, Stormwater Management Engineer at Edmond; Joe Davis, RDBC of Oklahoma City; Stacy Lumbaugh, Engineer, and they had no developers on their committees that made up the stormwater drainage. Edmond, Oklahoma City, and other towns have beautiful stormwater drainage, and we want development in Lawton, but we want developers to be responsible for the development. Most of the businessmen

and women of Lawton are very respectable and responsible, and agree that we need better flood control.

Sheila Pedigo, 1109 NW 52nd Street, made comments which are summarized as follows: I am a citizen, homeowner, voter and taxpayer in Lawton. Yesterday after reading the morning newspaper I found out there was a strong move to have the stormwater ordinance rescinded. I was appalled. As a proponent of the stormwater ordinance I had 24 hours' notice of this bizarre idea, contrary to the opponents of this ordinance. Reading the article was maddening, the mere thought of somebody trying to convince others that the stormwater ordinance was written for Meadowbrook is an insult to the intelligence of the taxpayers in this community. The ordinance was passed to prevent other areas in our city from experiencing the same devastation as Meadowbrook. It is no secret that streets and properties flood all over Lawton simply because of the way the stormwater runoff was handled up until 1995. It rained one or two inches in this town and people would swear up and down it rained five inches simply because of street and property flooding. This ordinance was never intended to correct past mistakes, only to prevent future ones. We should promote responsible development in Lawton, not development that will worsen or create new flooding problems for its citizens and the local government. Requesting developers to incorporate into their development a system of detaining on-site storm drainage in excess of the historical peak rates is not a new concept nor is it unique to the City of Lawton. Such ordinances have been accepted in many parts of the country and appear to be a reasonable solution to the burgeoning problem due to the urbanization. Urbanization covers the soil with streets, property lots, the building of homes and businesses, and removes the natural vegetation and natural detention; the land becomes more impervious.

Pedigo said rainfall no longer soaks into the ground as readily as before. These changed conditions increase the flow rates and amount of runoff; it does not increase the rainfall. These manmade changes to the land can constrict and divert the flow of water and the water ends up into a city street, sewer system, homes and properties. Taxpayers are tired of this. Excess stormwater into these areas is costly, hazardous and unhealthy. All building contributes to stormwater runoff, big or small, collectively it makes a difference. When the ordinance was passed in 1995, the cities of Altus, Ardmore, Bartlesville, Bethany, Broken Bow, Edmond, Midwest City, Norman, Oklahoma City, Ponca City, Stillwater, Tulsa, Yukon and Wichita Falls all required detention. The cities of Broken Arrow, Edmond, Ponca City, Shawnee and Tulsa allowed no development in the flood plain. The cities of Altus, Broken Bow, Edmond, Ponca City, Shawnee and Tulsa allow few rises in base flood elevation.

Pedigo said the choices are tonight to leave the ordinance as it is and the builders and developers can thank their lucky stars that we do not have a more comprehensive ordinance, or put the ordinance to a vote of the people, and not a committee. She said you could re-write the ordinance and make it a more comprehensive stormwater plan, one that would address soil erosion, water quality, flood plain management, administrative duties, street flooding, permit process and the conveyance of stormwater in our city. Or rescind the ordinance and maybe someone will ask for an inquiry into why taxpayers and voters are not better represented. It is the responsibility of the local government to protect the safety, health and welfare of all of its citizens.

Rick Herbert, 1110 NW 51st Street, said he was the Vice President of the organization known as FLOOD. He said a comment in the newspaper was that this law is stopping development and slowing down jobs, but within the last year new businesses such as Chili's, Lone Star, Outback Steak House, Bar-S, Wackenhut Prison, Republic Gypsum, Cracker Barrel, a new motel by Baker's have been built. Herbert said it bothered him that Meadowbrook was always mentioned. He said he lives in that area and if things work out, they may get relief, but if he said his problem was going to be fixed and heck with everybody else, he'd be a hypocrite, and he could not do that because this is a city-wide problem.

Herbert said they mentioned that it takes 30 days to get a permit. He said if the city rejects a set of plans, the design engineer may not work on it again right away and blaming the city for the fact that it takes 60 days to get something approved may not be fair because it may take a while to make corrections and people do make mistakes. Herbert said there were 11 businessmen, builders and developers and real estate people back in 1995 when this was passed; they came to Council and presented every issue and the stormwater ordinance was approved, but in two months, they came back and asked that it be done away with. This is a city-wide problem, not a Meadowbrook problem and whether Meadowbrook has been fixed or not is not the issue; it's a city-wide problem and the people of Lawton need to be voting on this.

Herbert said one man who spoke lived on Heinzwood and you used to never hear from them; they are concerned because if there is development by Baker's, with no detention installed and only the little ditch that runs across Meadowbrook, all the water will run onto their property and then you have another Meadowbrook, and that is the problem, we need to look at the future because we're growing. Every other big city in Oklahoma has this and it is stronger than this one but we are basically just catching up and should not stop. This needs to stay in effect and those who spent a year putting this together in 1995 spent a lot of time and energy and Council at that time thought it was a good thing.

Charley Wright, Design Associates, Lawton, said he had nothing from the engineering standpoint on the ordinance. He said the flooding problem does need to be fixed, but in 1979, Lawton implemented elevation certificates and engineered foundations and no structures built since then have flooded; the older structures that historically

flooded are still flooding.

Wright said this ordinance places a burden on industry and businesses that have located here, and one of his clients took nine months to get a permit just on their parking. He said the work in cleaning out the flood ways is helping but the ordinance has not changed anything. Wright said one industry that will employ 150 people is still unhappy with this ordinance and some of the things that have happened over it, and they had said if they would have known this was in effect, they would not have located here. He said there is another one in a similar situation and letters may be sent in that regard; there are a number of people that this is effecting and it is effecting them a lot differently than you might think. Wright said some businesses are probably locating here because we have 100,000 population but if you will talk to any of the people developing these businesses, they are not happy with detention.

Wright said another thing mentioned was the number of cities that have detention. He said he had personally worked in three of the cities mentioned and many, many years ago, there was on-site detention in those cities and they found it does not work in lieu of some other situations, so some cities tried it for a while and it went away, and we should look at whether this ordinance fixed something that was not really broken.

Haywood asked Wright which cities he was referring to. Wright said Altus was the one that came to mind; they had a detention ordinance 20 years ago when they were having a lot of development but it turned out not to be working because the little ponds in a lot of areas were not working so they had done away with it in lieu of another system. Wright said others on the task force have lists and letters from cities that have adopted it and then it went away. Wright said he agreed something needed to be done about drainage, but the requirement to have the base elevation one foot above flood and have it verified had worked because none of the buildings built since then have flooded and the ones built before that are still flooding.

Burl Boyce said Altus did away with detention but they retained the retention ponds.

Joe Warner, 1608 NW 33rd Street, said the Mayor's Task Force supports the plan approved by the City Council to correct the Meadowbrook flooding problem, and supports 17 of the 18 recommendations made by FEMA in the Community Rating System but they do not support on-site detention. He said he had a letter dated May 25, 1999, and copies of the stormwater ordinance in Altus dated April 13, 1999, from the Altus City Planner, and the letter stated they implemented a stormwater detention ordinance in the early 1980's requiring on-site detention, but on-site detention was removed from the Altus codes in 1992 and no on-site detention has been built in Altus since that time.

Warner said he also had a letter dated May 25, 1999, from Ron Green, Plans Manager, Midwest City, stating that it is impractical to require property owners to provide on-site detention on small developments and building additions. He said this statement conforms with the statement that Midwest City is in the process of re-thinking stormwater detention.

Warner said FEMA recommends that if a municipality wants to address its floodplain accurately, the first step would be for a city to prepare a thorough survey and remapping of the floodplain and then inform the property owners of the flood status of each property within the floodplain, as per the minimum requirements of the National Flood Insurance Program and the Community Rating System. Based on current and accurate flood study of the total municipality's floodplain, the council and citizens could determine what would be best for the community. The floodplain base maps prepared by FEMA are exactly what their name implies; base maps to identify the floodplain. They provide a starting point for the National Flood Insurance Program to prepare the flood insurance rate maps and gives the city a starting point to address their flooding problems. Warner said based on his personal opinion and the report that he had prepared for the May 11 Task Force meeting, he thought Lawton's on-site detention ordinance, 19A-1-1 should be removed from City of Lawton codes.

The public comment portion was closed.

Shanklin said it would be easy for him to cast his vote. He said when it floods, you are either on the upstream or downstream side of it, but if it is flooding behind the little detention ponds and they are letting the water out, it is adding to the problem by not letting the water go downstream when it first was collected. Shanklin said we have abused the on-site detention system and suggested members look at the on-site detention behind the new motel behind Cracker Barrel and that it is a joke. He said recently we were either going to have to dredge the lake or raise the dam at the Lawton Golf Course because of a 2,000 foot building, and common sense is not prevailing in this, and our staff will tell you that on-site detention does not work and they just came back from seminar and they will be up here and they will tell you this. Shanklin said we need something but it is not on-site detention. He said he was for it at one time and the only people here are those from Meadowbrook wanting to keep this going. Shanklin asked if they were wanting to impose their problem on someone else and give someone else a problem. He said there are two \$30,000 lots on Flower Mound with a fence around them and houses next to them, and if the Corps said it is not working and it is a 50-50 depending on whether you are upstream or downstream, then there is another way of doing it, which is regional detention and he could support that, but that he could not keep on with

the on-site detention because we are doing an injustice to the owner, although others are saying the developers and builders, but it is the owner and those who want to build in Lawton and hire the engineers and contractors and they are the ones that supposedly have to fight city hall. Shanklin said Tucker mentioned last time at the Task Force that on-site detention did not work and that someone had been to a seminar, and he thought it was Mr. Wolcott, and asked if that was correct.

Dan Tucker, Code Administration Director, said that was correct; Larry Wolcott attended a seminar in which individual retentions, if they are going to be effective, would have to be part of an area retention program and not each one addressed individually.

Purcell said this is always a contentious issue and was when it was done five years ago. He said he received seven phone calls, and some were from Ward 4 where they have not had the problems experienced by the residents of Meadowbrook. Purcell said six of the seven phone calls asked him not to support the repeal of this ordinance.

Purcell said he called the City Planner in Midwest City yesterday morning and read him this statement: "are you thinking of doing away with your on-site detention ordinance" and the answer was no, and they had no problems with people who come into the city wanting to build but they do have problems with the local developers and builders. He indicated they were not doing away with the ordinance and that it was working. Purcell said he then called Altus and talked to Mr. Miller, the City Engineer, and they do have a different system than this but they do have a detention ordinance, although it is not all on-site. He said in Altus, if you build a parking lot of one to six spaces, they have a regional detention facility fund, and they have built three regional detention facilities and are in the process of building a fourth one, and everything built in Altus, someone has to contribute to this fund. He said if you build one to six parking spaces, you must pay \$500 into this fund; if you build more than six parking spaces, you are charged \$3,500 per acre and it is pro-rated based on the number of parking spaces; if you build single family and duplex residential, you are charged \$1,800 per acre; if you build multi-family residential, you are charged \$2,500 per acre; any other construction in Altus, you pay \$3,500 per acre, and all of the money goes into this fund that is used to build these detention facilities around the city. Purcell said Altus also has on-site requirements; they are very seldom used but the City Engineer said if there is building going on that will not make use of either a current regional detention facility, or one where they have plans to build one, then he has the authority to insist that one be built on-site, and he said he did not have to do that very often. Purcell said there is possibly a better way to do the stormwater drainage ordinance in Lawton and that he agreed with Devine's comment and would not support repealing this ordinance, and would agree to send it back and have something returned in 90 days, and if it eliminates all on-site detention requirements if that is the best way to do it and go to a regional facility, then so be it, but that he was not prepared to eliminate it now because it took about a year and a half to get the current ordinance through the planning commission and another six months to get it through Council. He said we should give them 90 days to come back and give council a valid ordinance. Purcell said he was willing to say this is not the best one in the world, but not willing to eliminate it and start another flooding problem where citizens may suffer 15 or 20 years from now.

Warren said he would be willing to support looking at the ordinance in place and changing it to make it work, but as far as deleting the ordinance, he did not see that it would make sense. He said he did not like stop signs either but you would not take all of the stop signs down before finding a better way to do it and implementing it, and you would wait until you had a plan. Warren said he had no problem with looking at an amendment or even a completely new ordinance and then replacing this with it, but that he could not support deleting this.

Shanklin asked Warren if he believed staff when they said it did not work. Warren said at some point he would not have a problem changing to a different method, but we should not stop all forms of detention for the next year or two waiting for this committee to put together a plan. Shanklin said the citizens have to pay for it and the builders and developers that we are maligning that they are filling their pockets, all they do is pass it on, the person does not get his house any cheaper. Shanklin said one place cost \$125,000 to put those two in and there are 12 lots so that is \$10,000 more a lot that they had to pay that they would not have had to pay if the little foolish thing was not there. Warren said there would be a cost regardless, that he did not want to do away with it and wanted to look at the way they do it but there will still be a cost and it is just the way that the water is held, and some are saying they do not have detention any more, but what they mean is they do not have detention like we do. They still have detention in some form, whether it is regional or something like we have, but they still have detention.

Shanklin asked if Warren had seen the detention pond at the motel and that it was ludicrous that it was put in there. Mayor Powell said the one better than that is Felton Dean's which is within seven or eight feet of the ditch.

Devine said the ordinance should not be abolished until something else is in place. He said he had no intention of saying everyone was wrong because there are very knowledgeable builders and developers in Lawton, and deleting on-site detention may be the right thing to do, but we are losing the whole concept of the ordinance that is in place. Devine said he would like to make a motion that this be tabled for 90 days. Beller asked to be able to speak and Devine said he would wait for more discussion.

Beller said we keep hearing that it is broken, yet we keep wanting to use it. He said if a moratorium on on-site

detention could be placed in effect until this was resolved, that would be acceptable, but we all know that this does not work. Beller said it is the same concept as park land donation in the past and the City was trying to find a way to get rid of the parks it was stuck with under that old system. He said this causes little detention ponds all over and it can be a breeding ground for mosquitoes, but it is not working and most members have stated tonight that it could be improved. Beller said we should not have to keep operating under these regulations when they do not work, and the developers are trying to protect the interest of the people who end up buying the property. He said flooding is an emotional issue. Beller said the letter from the Planning Director in Altus says to his knowledge, no on-site detention has been constructed since 1992, and that shows it does not work. He said Tucker's employee went to a national stormwater conference and found there that individual on-site detention did not work, and they recommended if you are going to do detention, and we have flooding in certain areas but the entire city has to pay the freight, the entire City of Lawton is paying for the mistakes made in the Meadowbrook basin many years ago and the City will be buying homes and it will cost every resident of Lawton a pro rata cost for this, so we need to eliminate this and come back with a workable solution, which could include an impact fee from developers or builders and do it properly and do the regional detention centers.

Warren said the letter from the man in Altus does not address, since nobody asked the question of do you have any form of detention, and yes they do, they have regional detention. He said he understood the committee was to go through the codes, pick out the problems and bring them to Council with a cure, and the cure is not to do away with the ordinance; the cure is to fix the ordinance so that it works and why did the committee not bring a repair rather than getting rid of the ordinance.

MOVED by Purcell, SECOND by Devine, to not repeal this ordinance, that we direct the staff and the Mayor's ordinance committee to come back in 90 days with a new ordinance that allows us to do proper detention.

Beller offered the following substitute motion, which did not receive a second: To repeal and delete Section 19A-1-101 through 111 from the Lawton City Code in reference to the stormwater detention ordinance and also to instruct that we do come back with a workable ordinance that will include a cost, either per acre, per lot or per something that we do have a regional detention holding basin that would accommodate those areas that are actually flooding.

Shanklin asked how that would be done. Beller said it would not be done but they would pacify a lot of people by saying it. Beller said it is no more workable than the little mosquito patches but if they think it works, it works.

SUBSTITUTE MOTION by Shanklin, SECOND by Beller, that we do repeal this on-site retention ordinance tonight and the Council and staff put together a regional detention program, and that we have and accept input from everyone.

Mayor Powell said the motion is to repeal this and have the staff along with named persons to revisit it and bring it back, and he asked for roll call. The City Clerk asked if the motion is to adopt the ordinance and the Mayor said to repeal it. Shanklin said there is no ordinance to adopt. The City Clerk said if the intent is to repeal the section of the code, the ordinance is needed. Mayor Powell said it would be Ordinance 99-26. Vincent said the ordinance is to repeal.

(Title read by Clerk) Ordinance No. 99-26

An ordinance relating to stormwater detention, repealing Sections 19A-101 through Section 19A-111, inclusive, Article 1, Chapter 19A, Lawton City Code, 1995, reserving the article and section numbers for future use; amending Section 19A-232, Article 2, Chapter 19A, Lawton City Code, 1995, relating to appeals and variances; and providing for an emergency. (adopted without emergency section)

Vincent said it will not be an emergency ordinance. Beller asked why we did not advertise it as such. Shanklin asked why it would not be an emergency. Beller asked if that was a slip up in the legal department. Vincent said he did not do the agenda, but it is a slip up. Shanklin said it could be brought back at the next meeting if it passes. Vincent agreed. Beller asked if it could be adopted as an emergency tonight, under any circumstances. Vincent said no. Shanklin said it can be brought back at the next meeting with an emergency on it.

VOTE ON MOTION: AYE: Williams, Shanklin, Beller, Haywood. NAY: Smith, Devine, Purcell, Warren. TIE VOTE. MAYOR PURCELL VOTED YES. MOTION CARRIED. Vincent said five votes are required to adopt the ordinance; six votes would have been needed if it had been an emergency.

3. Consider authorizing staff to advertise for proposals for exclusive soft drink contract. Exhibits: Copy of RFP used by Lawton Public Schools.

Gary Jackson, Assistant City Manager, said he found approximately 100 school districts nation wide have contracts of this nature, including Lawton, Oklahoma City, Tulsa, Wichita Falls school districts, as well as the cities of Huntington Beach, California, and Valusia County, Florida. He said the RFP from the Lawton Public School District is included in the packet and a contract was awarded by that entity this past year. Jackson said it is feasible to advertise for proposals, although several issues would have to be worked out regarding the scope because there

are various vending machines on City premises that would require cancellation of existing agreements and that may not be a large problems. He said the concession agreements would be a question, as well as events that occur on City premises. Jackson said the Huntington Beach contract covers all events that happen on that city's beaches, and the larger the scope of the contract, the more potential for revenue that would be coming in to the city. He said in the RFP, you may exempt certain facilities or do a comprehensive RFP and let the City negotiate with the highest proposer, which the City Attorney has indicated would be acceptable. Jackson said Council would have the ability to reject the RFP's but it would have the opportunity to see potential revenues, and a transit system could be funded in part by this mechanism if Council so desired.

Warren said he appreciated the work that Jackson had done and that he hoped Council would support sending out the RFP's. Williams said he was in favor of identifying areas where the City could benefit by identifying a revenue stream that did not create a hindrance on the taxpayers. Shanklin asked what kind of revenue stream was projected. Jackson said the school district received \$1.5 million up front, although it would be difficult to project what revenue would be proposed in this instance.

MOVED by Warren, SECOND by Williams, to direct staff to advertise for proposals for exclusive soft drink contract. AYE: Williams, Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith. NAY: None. MOTION CARRIED.

4. Consider directing the City Attorney to prepare an ordinance and other appropriate documents to provide a procedure for establishing and appointing committees. Exhibits: None.

Warren said he requested the item in hopes that we could draw a better line between the establishment of a Mayor's ad hoc committee and a Council directed committee. He said he felt that any committee that would be bringing an item back to the Council for consideration should be enacted by a vote of the Council, and within that same ordinance, we should have some type of language that clearly states that any Council created committee would follow the open meetings act so there would never be any question about what type of committee it is, whether it was a Mayor's ad hoc committee or whether it was a Council committee.

MOVED by Warren, SECOND by Purcell, to direct the City Attorney to prepare an ordinance and other appropriate documents to provide a procedure for establishing and appointing committees.

Beller asked what the Charter describes and said it was his understanding that the Mayor was the one that appointed committees for whatever purpose and that they report back to the City Council and the Council takes action on it or not. He asked where there was a problem.

Vincent said the Charter says the Mayor shall "nominate" in one place, or shall "appoint" in another place, so it is kind of mixed up there, persons to committees, and those will either be affirmed or confirmed by the Council. He said subsection 2-4 lists a number of committees and goes on to say "and other committees as the council may desire" and the Council may, by ordinance, create rules and regulations for the appointment, removal and so forth, so there is authority in the Charter for doing this for Council committees. Warren said the Charter says different things in two different places and that was one reason he had asked for the item, and if an ordinance is passed, there would be a solid line where Council committees that would report to the Council should be voted on, not necessarily the members, but the birth of the committee should be voted on by the Council.

Beller asked if the ordinance would develop a mechanism for appointing individuals and asked who would make the appointments. Warren said the Charter states the Council shall have the ability to provide procedures for establishment and appointment of committees; Council has the ability to say how that is done. Beller asked if each name would be voted on individually or how it would be accomplished. Vincent said he had not given this much thought at this point because he just found out about this late last week, and he would research it to see what other cities and towns had done. Vincent said it will not have an affect on the 13 public trusts because the trust documents themselves govern. Beller said the way it is being done now seems to be working, although there may have been some trouble with this task force but it seemed to be a legitimate committee. Vincent said there are two kinds of committees, there are Mayoral committees and Council committees, and for Mayoral committees the Mayor just names who he wants to name to that committee and those people report back to the Mayor and what he does with the report is his choice; then there is the Council committee where the Mayor appoints and the Council confirms and those reports come back to the Council, such as the taxi cab committee and outside water sales committee. Vincent said Council Policy 15-1 is in place and that he had seen no violations. Beller said he did not think that was a concern but they were trying to get a clear picture as to how committees function, how they are appointed and how their reports are brought back.

Purcell said the concern was that the task force that was heard from tonight could not have been heard from if the City Clerk would not have insisted that the meetings be publicly posted. He said if legislative business is conducted by a committee, however it is appointed, that does not operate under the open meeting act and they recommend legislation to Council and Council acts on it, there could be a violation of the open meeting act. Purcell said the Mayor can appoint advisory committees and they do not have to meet under the open meeting law, but if they do not, they should not be bringing recommendations back to the Council. He said if the Council wants a committee

and the Mayor nominates and Council approves the appointments, then it is automatic that it meets under the open meeting law. He asked Vincent if that was correct. Vincent said yes. Purcell said Council should be able to have things presented from committees and be able act on it with no problem.

Mayor Powell said he was attempting to get input from citizens and had relied on the City Attorney's legal advice that he was doing so properly. He said he had asked for citizen input to improve the community and if Council wanted to strip him of those duties, it should do so. Purcell said this has nothing to do with the Mayor's appointments and that committees appointed by the Mayor as advisory groups do not have to meet under the open meeting law because it is a Mayor's advisory group, and Council wanted the group to bring the recommendations forward and it did meet legally and post the meetings and it was brought forward, and that was the issue and not the appointments. Purcell said it makes a distinction when Council votes to have a group that they must meet under the open meeting law and then Council can act, and if it is an advisory committee, they do not have to meet under the open meeting law and then where does Council go from there if that happens because the group can only advise the Mayor but not the Council.

VOTE ON MOTION: AYE: Purcell, Warren, Williams. NAY: Devine, Shanklin, Beller, Haywood, Smith. MOTION FAILED.

5. Discuss problems caused by landscaping firms placing large numbers of bags of grass clippings for pick up by Solid Waste crews, and take appropriate action. Exhibits: None.

Beller said this may be happening in about six locations and that he had spoken with Public Works in this regard. He said on Monday there were 38 bags of yard waste at one driveway, as well as tree and brush clippings, and the solid waste crews picked it all up. Beller said he went back on Wednesday and there were 58 bags at the same address and it is a commercial establishment leaving this at a residence. He asked if some language could be included in the ordinance that the waste picked up from a house must have been generated from that house. Beller said he understood the resulting problem would then be to prove whether or not that was the case, although if 38 bags were there on Monday and another 58 on Wednesday, it would not appear likely that it all came from that one residence. He said he felt the ordinance should require commercial landscape firms to take yard waste to the landfill, and they can do that now at no charge but may not have to do so. Beller said the only violation that could be found at the one residence was that the waste was out prior to the time allowed by ordinance. Vincent said he would visit with staff to see if workable language can be found, and discussion was held on the provisions in the current ordinance and how it is enforced.

Purcell asked that information be provided on who you should call if someone puts trash or grass clippings out on Friday and it will not be picked up until Tuesday.

Tucker said it is a violation and it is in the nuisance section of the code that prohibits trash from being put out before 8 p.m. the evening prior to the pick up or putting it after 7 a.m. the morning after. He said the problem with that is that we shut down at 5 p.m. and when it happens on Friday and it is waiting for Tuesday, it is out there. Beller asked if no one was available on weekends. Tucker said yes, they are. Beller said he thought Tucker said they closed at 5 and Tucker said we do, but if they call us back, we would come back, if that is the wishes of the Council. Tucker said it has not been an issue when a person puts one or two lawn bags at the curb. He said the question becomes whether or not they cite everyone on the street and the answer is usually no, just the guy who is putting out commercial waste. Tucker said we have an ordinance that requires commercial establishments to dispose of their waste properly and it is a matter of identifying that those 38 or 58 bags did not come from that house.

Purcell said it is not always yard waste and there had been a problem with household waste sitting out for several days and being torn up by dogs. Warren suggested a news release could be helpful since the City has no other way to present information to the citizens and many may not know of these rules.

Shanklin asked if these inspectors are the same people inspecting for high weeds and grass and Tucker said yes. Shanklin said we are way behind right now and suggested Council give permission to Baker to hire contract labor to work the courthouse and keep the inspectors from spending two or three hours a day over there when they can be out in the field. Shanklin said the contract labor could be used to look up the information and he asked Tucker how much that would save. Tucker said if someone would help with the legal descriptions and typing of orders, it would double it, and right now we have 275 complaints pending that we cannot get to. Shanklin asked Baker what he thought. Baker said if Council would authorize that funding, we certainly could do that and it would enhance the enforcement efforts, and publicity on collection times for solid waste would also help.

Warren asked if we had considered a connection to the county records through the computers. Baker said we have that capability. Tucker said the problem is that the assessor, county clerk and the treasurer are not linked together and we are obligated by state statute to use the treasurer's records as the official item. Shanklin said we need someone up there. Warren asked if we could ask the county what it would take to have that connection. Baker said he would ask and that we are ready as soon as they are. Shanklin said he felt Council agreed to allowing for

contract labor.

Mayor Powell asked what should be done with this item and Beller said staff would look into it and return something if it would help.

6. Receive a briefing from the City Attorney concerning the process required in ridding neighborhoods of suspected "crack" houses. Exhibits: None.

Shanklin said he requested this item due to this problem in his ward, and several years ago it took a year and a half to get rid of one on 3rd Street between Gore and A Avenue, and six months to get rid of one in one of his rental properties and he did it, but Baker got rid of one in five days when the police patrolled an alley every 30 or 40 minutes and the residents moved out. He said the same type of action is needed on two more. Shanklin said many people are confused because they know something is going on, and our police know something is going on, but they have to make a buy or make a bust, and he asked that the citizens be told what we are doing and what they can do to help us get rid of this nuisance in a quicker time.

Vincent said the police special investigations section has to have information of suspected illegal activity, which is usually evidenced by cars and traffic and people up and down the street at all hours of the night when they normally would not be there in a residential area. He said he had a report from the Police Chief that he would provide, but he asked that the information not be given out because it goes into police tactics on how they track down things and crack down on drug houses. Vincent said to take action we have to have evidence of a felony crime being committed; a new state law went into effect November 1, 1998, allowing cities, where there is repeated use of real property or structures thereon to commit a felony violation of the Oklahoma Uniform Control Dangerous Substance Act, to institute public nuisance action against the property owner and cause bad things to happen to the property owner. Shanklin said that would be a problem if he was trying to get someone moved out of one of his rental units and he himself could be in trouble.

Vincent said most drug houses do not stay in one place too long because once they start attracting attention and the police start showing up and driving down the street, they move out. He said it is usually, but not always, not the owner of the property that is the dealer. Vincent said the dealer may find some willing participant that he gives drugs to in order for him to use that house, and then when that house gets too hot, he moves on to another house. He said the police must make a felony case before they can legally take action against the house itself, which in many cases is rental property and the mortgage company would have first interest if an action is taken against it. Vincent said suspected activity does not mean a crime has been committed and that is the key to the citizens; they think when they see unusual activity that a crime is being committed and it is not always the case; suspicion of a crime is not proof of a crime.

Shanklin said he had pictures and it is open solicitation and prostitution, and he wanted to try to end some of it. Vincent said residents should not have to put up with it and giving information to the police is a key to the whole thing. Mayor Powell said citizen input is vital and that he had received information and the police had since made about 18 arrests in three days, so citizen input is very important. Warren said citizen involvement and neighborhood watches are very important and once the police start looking, they will move out, as the case was years ago on Second Street. Haywood said they do not seem to leave from Ward 7 and the police do a fine job, but they have a severe problem in Ward 7.

Beller suggested Council be given a briefing at the Police Station, as was done a few years ago. Shanklin asked if it could be televised. Warren suggested the police do a program that could be shown for public information but that the police department may object to certain items being broadcast. Lt. Whitis said the training division has such a program and that he would be glad to brief the Council at any time.

Haywood said the kids cannot even go outside and play in his neighborhood or even walk up the street in some areas. He said he had talked to the Police Chief and to the City Manager and that they were getting rid of some of them but that the residents are getting tired of it.

Mayor Powell said the City Manager could contact the Police Chief and the Council Members to see if a meeting should be set up as was previously discussed.

7. Consider authorizing the Mayor to execute a closeout agreement with the Department of Housing and Urban Development for Community Block Grants covering Years 1 - 14 (1976-1989). Exhibits: 4/21/99 Letter from HUD; Summary Sheets - CDBG Years 1976-1989.

MOVED by Shanklin, SECOND by Williams, for approval of the item as recommended. AYE: Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine. NAY: None. MOTION CARRIED.

8. Consider awarding a construction contract to Air Cleaning Technologies, Inc. for the Fire Stations Exhaust Ventilation Systems Project 99-2. Exhibits: Map; City Attorney's Opinion.

Don Barrington, Fire Chief, said this is a step toward completion of the exhaust systems for the three remaining fire stations, and the one at the Airport is awaiting FAA funding which is expected in September.

Background information is inserted for the record: "On 4/13/99 City Council authorized staff to advertise for construction bids for the Fire Stations Exhaust Ventilation Systems Project 99-2. The project consists of vehicle exhaust ventilation systems for Stations 3, 5 and 6 to include sliding balance track systems, duct systems, exhaust fan, electrical system and automatic grabber with start/stop systems at the respective stations. Funding for this project is from the FY 98-99 General Budget Funds, Account 119500321000 with a balance of \$57,813.57.

On 5/11/99 the following bids were received and opened:

Engineer's Estimate	\$60,000
United Mechanical Inc.	\$48,921 (non-responsive)
Air Cleaning Technologies, Inc.	\$57,284

United Mechanical, Inc.'s bid is non-responsive to the technical specifications. Specifically, it does not identify the system equipment and components, or describe the system layout, methods of wall and roof penetrations, fan noise level and other required information. Therefore, it is recommended Air Cleaning Technologies, Inc. be awarded the construction contract. The Fire Chief concurs in this recommendation. Air Cleaning Technologies, Inc. has had a contract with the City in the past 24 months and has not been assessed liquidated damages."

MOVED by Purcell, SECOND by Haywood, to approve award of the contract. AYE: Shanklin, Beller, Haywood, Warren, Smith, Williams, Devine, Purcell. NAY: None. MOTION CARRIED.

9. Consider awarding contract for Sewer Line TV Inspection System. Exhibits: Recommendation; Bid Abstract.

MOVED by Williams, SECOND by Smith, to award the contract to Baker Equipment Company and authorize execution of the contract.

Warren asked if no letters of interest were mailed because this was a new type of equipment and the vendors were not known. Steve Livingston, Finance Director, said letters were not sent but the bid packets were sent to 16 firms.

Staff memorandum information included for the record as follows: "I would like to request that the following be awarded to the responsive low bidder, Baker Equipment Company for all equipment to be purchased excluding any additional warranties. They currently meet all of our required specifications. Vendors were offered to submit an alternative for additional years of warranty (the base bid includes one year warranty). Baker Equipment submitted two years additional warranty for \$2,500.00. Aries Industries included one year additional warranty for \$1,500.00. Including the additional warranty alternative, Baker Equipment is \$860 higher than Aries Industries; however, the City receives one additional year of warranty on highly sophisticated instrumentation and technical equipment. Therefore, it is our recommendation to award to Baker Equipment including the additional two year warranty option.

Funds of \$78,910.00 are available for this purchase in Account #359700311633. The additional funds of \$22,394.00 that is necessary to purchase this piece of equipment will be paid for by Sewer Construction Division as they will also be using this equipment for their operations approximately 50% of the time.

Raymond Justice
Wastewater Collection/Maintenance Superintendent"

VOTE ON MOTION: AYE: Beller, Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin. NAY: None. MOTION CARRIED.

CONSENT AGENDA:

ITEM 10 WAS CONSIDERED SEPARATELY AS SHOWN BELOW.

11. Consider the following damage claim recommended for approval: Johnny and Haila Crabtree. Exhibits: Legal Opinion/Recommendation. Action: Approval of claim in the reduced amount of \$317.50.

12. Consider adopting a resolution to formally establish old funds currently in use by the City of Lawton. Exhibits: Resolution No. 99-62.

(Title only) Resolution No. 99-62

A resolution establishing the following City of Lawton funds: State Landfill Fee; Hunt and Fish Cash Fund; General Investment Fund; Recreation Cash Fund; Animal Welfare Neuter Fund; Narcotic Forfeiture Fund; Oklahoma Water Resources Fund; Animal License Fund; Cemetery Care Fund; Park Fee Fund; Local Law Enforcement Block Grant Fund; Library Grant Fund; General Employee Retirement Fund; Payroll Savings Bonds Fund; COP Partnership

Grant Fund; Cemetery Reward Fund; Wastewater Maintenance Fund.

13. Consider a request from Comanche County Rural Water District #3 (CCRWD#3) to allow the District to provide water service to four individuals within the drainage basin. Exhibits: Letter of Request; Map; Amendment #2. Action: Grant authorization to allow Comanche County Rural Water District #3 to provide water service to four individuals in the NW Quarter of Section 32, T2N, R12W.

14. Consider approving a resolution authorizing the City Attorney to institute a small claims action against Steven Vincent Martin to seek monetary damages resulting from a vehicle accident. Exhibits: Resolution No. 99-63.

(Title only) Resolution No. 99-63

A resolution authorizing and directing the City Attorney to file a small claims suit in the District Court of Comanche County, Oklahoma, against Steven Vincent Martin; and to seek judgment therein in the amount of Two Thousand Four Hundred Forty-Three Dollars and Seventy Cents (\$2,443.70).

15. Consider approving a resolution authorizing the City Attorney to institute an action in District Court to collect monies owed by Anthony Orazion Harrop, Sr. Exhibits: Resolution No. 99-64.

(Title only) Resolution No. 99-64

A resolution authorizing and directing the City Attorney to file a small claims suit in the District Court of Comanche County, Oklahoma, against Anthony Orazion Harrop, Sr., and to seek judgment therein in the amount of One Thousand Three Hundred Forty Dollars and Forty-One Cents (\$1,340.41).

16. Consider approving an extension of the agreement between the City of Lawton and the Minority Business Development Agency (MBDA) of the United States Department of Commerce. Exhibits: Letter from General Counsel MBDA Washington, D.C.; Amendment No. 2. Action: Extend the agreement between the City of Lawton and the Minority Business Development Agency (MBDA) of the United States Department of Commerce to 31 March 1999.

17. Consider approving a retainer agreement with the firm of McAfee & Taft to represent the City in a pending contract interest arbitration between the City of Lawton and International Association of Firefighters, Local 1882. Exhibits: None. Action: Approve a retainer agreement with the firm of McAfee & Taft to represent the City in a pending contract interest arbitration between the City of Lawton and International Association of Firefighters, Local 1882.

18. Consider approving an amendment for the retainer agreement for professional and legal services between the City of Lawton and Perkins Consulting, Inc. making them the City's interest arbitrator in the upcoming interest arbitration hearing; and authorize the Mayor and City Clerk to execute the amendment. Exhibits: None. Action: Approve an amendment for the retainer agreement for professional and legal services between the City of Lawton and Perkins Consulting, Inc., and authorize the Mayor and City Clerk to execute the amendment.

19. Consider approving a Release of Mortgage on residential property belonging to Ms. Loretta Joliff located at 412 NW Woodridge, Lawton, Oklahoma, and authorize execution of the Release of Mortgage. Exhibits: None. Action: Approve the Release of Mortgage on the property belonging to Loretta Joliff located at 412 NW Woodridge, and authorize execution of the Release of Mortgage.

20. Consider approving a Permanent Utility Easement to the Comanche County Industrial Development Authority for the railroad spur to serve Republic Paperboard Company. Exhibits: Easement; Map. Action: Approve the Permanent Utility Easement to CCIDA and authorize the Mayor and City Clerk to execute the easement.

21. Consider approving the record plat for Heritage Hills Addition, Part 2, and accepting the improvements, maintenance bonds, and a cash payment in lieu of park land dedication. Exhibits: Map; Memo from Traffic/Civil Engineer. Action: Approve the record plat for Heritage Hills Addition, Part 2, and accept the improvements, maintenance bonds and money in lieu of park land dedication.

22. Consider awarding a construction contract to T & G Construction, Inc. for the Larrance Street Reconstruction and Waterline Project 99-10 and authorizing additional funding. Exhibits: Map; 5/18/99 Bid Tabulation. Action: Award a construction contract to T & G Construction, Inc. for the Larrance Street Reconstruction & Waterline Project 99-10 in the amount of \$152,368.00 and authorize additional funding. (Additional funding is \$5,000 from CDBG Contingency)

23. Consider approving the plans and specifications to construct a left turn bay at SW 10th Street and Lee Boulevard. Exhibits: Map. Action: Approve plans and specifications for a left turn bay at SW 10th Street and Lee Boulevard subject to final execution of the agreement between the City and ODOT removing Lee Boulevard from the State Highway System.

24. Ratify the action of the Lawton Water Authority to renew the grazing lease for Tract 14 at Lake Ellsworth to Cameron University. Exhibits: None. Action: Ratify LWA action to renew the lease.
25. Consider ratifying the action of the Lawton Water Authority approving an amendment to the Robinson's Landing concession lease amending Paragraph 6 of the original lease to allow the installation of LP gas facility and the selling of LP gas on the premises. Exhibits: None. Action: Ratify LWA action to approve the amendment.
26. Consider entering into a contract with Mr. Ronny J. Brooks for fire protection outside the Lawton City limits, and authorize the Mayor and City Clerk to execute the contract. Exhibits: None. Action: Approval of contract.
27. Consider a contract between the City and the Comanche County Board of Health for certain health matters. Exhibits: Contract. Action: Approval of contract in the amount of \$108,000.
28. Consider awarding contract for Long Distance Telephone Service Outside 405 and 580 Area. Exhibits: Recommendation; Bid Abstract. Action: Award contract to Advanced Communications of Oklahoma City, and authorize execution of the contract.
29. Consider approving the following contract extensions: A) Landfill Scale Tickets with Nash Business Forms; B) Root Killer with Airrigation Engineering Company. Action: Approval of item.
30. Consider rejecting proposal for Health/Dental Data Center Project. Action: Reject proposal.
31. Consider approval of appointments to boards and commissions.
Mayor's Commission on the Status of Women: Pauline Clyburn, Ward 1, Term: 3/9/99 to 3/9/2001; Jo Martin, Central County, Term: 2/23/99 to 2/23/2001; Doris McNair, Ward 1, Term: 5/25/99 to 5/25/2001; Leona Evans, Ward 6, Term: 4/8/99 to 4/8/2001; Jamesena Quarles, Ward 7, Term: 2/23/99 to 2/23/2001
Lawton Arts & Humanities Council: Nancy Anderson, Term: 5/25/99 to 6/30/99
32. Consider approval of payroll for the period of May 17 through 30, 1999. Exhibits: None.

Item 10 was asked to be considered separately.

MOVED by Williams, SECOND by Haywood, for approval of the Consent Agenda items as recommended with the exception of Item 10. AYE: Haywood, Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller. NAY: None. MOTION CARRIED.

10. Consider the following damage claims recommended for denial: Kathy Fanning, Calvin and Ingrid McFrazier, Southwestern Bell Telephone Company, Mary Roberts, and Sylvester and Lucina Wielgus. Exhibits: Legal Opinions/Recommendations. Action: Denial of claims.

Mayor Powell said Kathy Fanning had asked that her claim be pulled and that it would be pulled from this agenda. Vincent asked when it should be returned and Smith said the next meeting.

Vincent recommended denial of the claims of McFrazier, Southwestern Bell and Mary Roberts.

MOVED by Warren, SECOND by Williams, for denial of the claims of McFrazier, Southwestern Bell and Mary Roberts as recommended. AYE: Warren, Smith, Williams, Devine, Purcell, Shanklin, Beller, Haywood. NAY: None. MOTION CARRIED.

Vincent distributed a memorandum from Sylvester and Lucina Wielgus at their request. He said the claimants were not able to attend due to the hours they work, and that he had talked with them about their claim. Vincent said his recommendation to deny the claim concerning the sewer back up which was the first time and no notice, was not changed.

MOVED by Williams, SECOND by Warren, to deny the Wielgus claim.

Shanklin asked the location of Robinhood Drive and the age of the house. Mayor Powell said it is in the area of Hugh Bish School. Shanklin said there was no way, with the sewer lines that we have, that the crews have not been called out there for a problem.

SUBSTITUTE MOTION by Shanklin, SECOND by Beller, that staff work with these people, get it down to where they feel it is comfortable and pay it and bring it back to Council with a reduced amount or at least have a negotiation.

Beller said he disagreed with the concept that a resident had to suffer a back up one time without the City reimbursing them for damage. He said crews service lines and the City knows there are problems all over town with sewer lines, and it could have happened before in this area without the City knowing about it.

Purcell asked if Council approved this, could the others that were denied before for the same problem come back

and request payment. Vincent said no, there is a statutory obligation on a denied claim to bring a lawsuit against the City within six months of date of denial by Council and if they do not, they are forever foreclosed from bringing an action.

Devine asked if there was a way they could be sure there had been no other backups. Vincent said they could re-check the records. Baker said Public Works maintains good records, and mistakes can be made, but that he felt confident that the records were pretty good and have been automated. Shanklin said he would go up and down both sides of the streets and ask the residents if there had been backups and suggested Council receive that information.

VOTE ON SUBSTITUTE MOTION: AYE: Shanklin, Beller, Haywood. NAY: Smith, Williams, Devine, Purcell, Warren. SUBSTITUTE MOTION FAILED.

VOTE ON ORIGINAL MOTION: AYE: Williams, Devine, Purcell, Warren, Smith. NAY: Shanklin, Beller, Haywood. MOTION CARRIED.

REPORTS: MAYOR/CITY COUNCIL/CITY MANAGER.

Purcell reported that the current Chief of Staff at Fort Sill and a former Chief of Staff have both been nominated by the President to become Brigadier General and both have served at Fort Sill and should be congratulated.

Williams expressed appreciation to those who participated in the joint Lawton Ambucs and Lawton Kiwanis Pancake Day. About 1,500 people attended and almost \$10,000 was raised for the victims of the Oklahoma City area tornadoes.

Smith said another successful blood drive had been held at City Hall and he thanked those who participated.

Baker said he had asked that Council consider holding a special meeting on June 29 to address only dilapidated structures, and that he would proceed to set the meeting if there were no objections.

Baker said he had distributed a memorandum regarding which departments would be assigned to the Assistant City Manager. He said he would welcome Council comments in that regard.

Mayor Powell said a press release would be given at 9:30 in the morning in front of City Hall regarding the Amber Alert Plan, which is to assist in locating missing children.

BUSINESS ITEMS:

33. Pursuant to Section 307B4, Title 25, Oklahoma Statutes, consider convening in executive session to consider a settlement offer received in the damage claim of Robert Thomas, and, if appropriate, take action in open session. Exhibits: None.

34. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for a Collective Bargaining Agreement for FY 1999-2000 between the Police Union, IUPA, Local 24, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

35. Pursuant to Section 307B2, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the negotiations for an Employment Agreement for FY 1999-2000 between the Fire Union, IAFF, Local 1882, and the City of Lawton, and take appropriate action in open session. Exhibits: None.

36. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of Brenda Smith as the City Clerk, and, in open session, consider approving an employment agreement of Brenda Smith as City Clerk and authorize the Mayor and Deputy City Clerk to execute the Agreement. Exhibits: None.

37. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the appointment of a Municipal Judge, and/or an Alternate Municipal Judge, and if appropriate, take action in open session. Exhibits: None.

38. Pursuant to Section 307B1, Title 25, Oklahoma Statutes, consider convening in executive session to discuss the continued employment of John H. Vincent as the City Attorney, and, in open session, consider approving an employment agreement of John H. Vincent as City Attorney and authorize the Mayor and City Clerk to execute the Agreement. Exhibits: None.

MOVED by Williams, SECOND by Smith, to convene in executive session as shown on the agenda and recommended by the legal staff. AYE: Devine, Purcell, Shanklin, Beller, Haywood, Warren, Smith, Williams. NAY: None. MOTION CARRIED.

The Mayor and Council convened in executive session at approximately 8:35 p.m. and reconvened in regular, open session at approximately 9:39 p.m. with roll call reflecting all members present.

Vincent reported the Mayor and Council had met in executive session. He recommended that no action be taken concerning the Thomas claim shown in Item 33, and that no action be taken concerning Items 34 and 35, police and fire negotiations. Mayor Powell asked that Item 36 be tabled. Mayor Powell said concerning Item 37, he would nominate John Kinslow as Municipal Judge and ask the City Attorney to negotiate the contract. Vincent said Item 38 would be tabled until June 22.

There being no further business to consider, the meeting adjourned at 9:41 p.m. upon motion, second and roll call vote.